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Attorneys for Plaintiff
VNUS Medical Technologies, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES, INC.,)	CASE NO. C08-4234 MMC
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO POSTPONE HEARING ON
v.)	TVS' MOTION TO TRANSFER VENUE
)	AND MOTION TO DISMISS
TOTAL VEIN SOLUTIONS, LLC d/b/a)	COMPLAINT PURSUANT TO RULE
TOTAL VEIN SYSTEMS)	12(B)(6)
)	
Defendant.)	
)	
)	
)	

Pursuant to Civil L.R. 6-2, Plaintiff VNUS Medical Technologies, Inc. (“VNUS”) and Defendant Total Vein Solutions, LLC d/b/a Total Vein Systems (“TVS”) have conferred and respectfully request that the hearing on TVS’ Motion to Transfer Venue (D.I. 11) and Motion to Dismiss Complaint Pursuant to Rule 12(b)(6) (D.I. 13) be postponed from the noticed date of November 14, 2008 to November 21, 2008 for the following reasons:

WHEREAS TVS filed a Motion to Transfer Venue on October 9, 2008 and filed a Motion to Dismiss Complaint Pursuant to Rule 12(b)(6) on October 10, 2008, with both motions noticed to be heard on November 14, 2008.

WHEREAS TVS and VNUS are currently engaged in settlement discussions and, in view of the interest of avoiding potentially unnecessary litigation expense and judicial effort, have agreed to postpone the hearing on TVS’ motions from November 14 to November 21, 2008. This new noticed hearing date is the same hearing date for the Motion to Dismiss for Improper Venue filed by TVS’ principals, David S. Centanni and Tyrell L. Schiek, in the related case styled *VNUS Medical Technologies, Inc. v. biolitec, Inc. et al.*, Case No. C08-03129 MMC (N.D. Cal.).

WHEREAS such postponement will not alter the date of any event or any deadline already fixed by Court order.

NOW THEREFORE, by and through their respective counsel, the undersigned parties respectfully request that the Court adjourn the hearing on TVS’ Motion to Transfer Venue and Motion to Dismiss from November 14, 2008 to November 21, 2008. In accordance with Civil L.R. 7-3, VNUS’ oppositions to such motions will be due on October 31, 2008, and TVS’ replies to VNUS’ oppositions will be due on November 7, 2008.

Dated: October 23, 2008

ATTORNEYS FOR PLAINTIFF
VNUS MEDICAL TECHNOLOGIES, INC.

/s/ Suong T. Nguyen
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1 Dated: October 23, 2008

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10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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12 Dated: October 27, 2008

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14 MAXINE M. CHESNEY
15 United States District Judge
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